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Agent Docket No. 1391

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re

Application 10/052,865 filed 01/17/02 : Date 05/01/2004  
to inventor Henry O. Walcott : Art Unit 2858  
for IMPROVED RANGE RESISTORS FOR AC-DC TRANSFER MEASUREMENTS  
from provisional application 60/362,242, filed 01/17/2001.  
Status: PETITION FOR REVIVAL Rule 1.137(a) mailed 04/09/2004 with  
preliminary amendment and copy of the missing abstract. Received  
PTO response from Charles Steven Brantley, Petitions Attorney,  
mailed 04/23/2004.

REQUEST FOR RECONSIDERATION

PETITIONS BRANCH  
MAIL STOP 313  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
Alexandria, VA 22313-1450

Sir,

Regarding the above-identified application and responsive to the PTO Office response mailed 04/23/2004, dismissing the above-identified petition, petitioner/agent hereby respectfully requests reconsideration based on the further information provided herewith.

In particular, regarding the 18 applications and 11 patents listed by the Petitions Attorney in item (3) under Analysis, these have all been correlated with agent's four digit Docket numbers, and have been investigated from agent's computer data base and the hanging docket files, with the following results:

**Applications intentionally allowed to become abandoned:**

10/388,807 #1414  
09/766,172 #1367  
09/709,881 #1335  
09/580,061 #1363  
09/549,076 #1326  
09/549,076 #1326  
09/406,471 #1334  
09/406,471 #1334  
09/406,471 #1334  
09/406,471 #1334  
09/358,799 #1302  
09/352,276 #1309  
09/215,808 #1269  
09/019,529 #1299  
08/932,654 #1294  
08/898,507 #1249  
08/897,257 #1235  
08/888,584 #1234

**Patents intentionally allowed to become abandoned:**

5818672 #0983  
6084165 #1099  
5724434 #0980  
5737123 #0981  
5596371 #0974  
5533132 #0972  
5499154 #0970  
5664023 #0976  
5561583 #0973  
5486914 #0969

**Patent not abandoned on agents' watch**

6,050,625 #1313 issued 04/18/00 to Charles Richard Nisbet for TABLE TENNIS BALL RETRIEVING AND DISPENSING SYSTEM: Agents' queries on uspto.gov confirmed the Petitions Attorneys' finding that "it is not clear if this has expired". After exhaustive attempts to find out the expiry status of this patent on the uspto.gov web site with no more success than the Petitions Attorney, agent attempted to contact patent holder Nisbet but he is no longer at his previous telephone number.

Expiry for non-payment of the current maintenance fee would have occurred on 04/18/2004, the fourth anniversary of the patent issue date. However, the questions of whether this patent has expired, and if so, whether the expiry was intentional, are moot with regard to the present petition matter since agents' responsibility for payment of Maintenance Fees terminated on 10/25/01 with the sign-off by the patent holder of agents' document ELECTION REGARDING PATENT MAINTENANCE FEES (copy attached).

**Application never abandoned**

09/052,535 #1289: The Petitions Attorneys' statement "(abandoned more than once)" is incorrect. There is no abandonment found in the records of the PTO or of the agent in this application or in patent 6,006,875 to which the application matured. There was an agent-sponsored doubly-petitioned request to have the cover sheet of the patent reprinted to add missing assignee information: this involved return and replacement of the grant patent copy. There was no cost or loss of patent effectivity to the patent-holder.

**Application abandonment withdrawn by PTO**

09/967,529 filed 09/20/01 Docket 1361 for DUAL MODE INDIRECT FLOURESCENT LIGHTING FIXTURE: abandonment 07/23/2003 (originally triggered unnecessarily by an obvious typo error and then

compounded by a "comedy of errors" hopefully untypical of either the PTO or the agent) was withdrawn by Rule 1.9(b) petition granted 10/20/2003 with the PTO Specialists comment: "In reviewing the papers submitted, it is concluded that the information contained thereon was sufficient to associate the papers with the instant file". This application has now matured to patent 6,648,030. There was no cost to the inventor/patent holder on this, and no actual impact from the delay.

**"Unintentional" abandonment revived**

08/821.820 #12 10/313,843 filed 12/09/02 Docket 1410 for BISTABLE LONG STROKE ELECTROMAGNETIC MECHANICAL ACTUATOR was revived from 07/22/2003 abandonment by Rule 1.137(b) petition granted 08/21/2003.

Since agent at all times strives earnestly for a level of error avoidance that exceeds the PTO "unavoidable" standard, agent would normally have filed a Rule 1.137(a) petition in this case as "unavoidable": however, in this particular case, agent instead chose "unintentional" under 1.137(b) and paid the \$590 fee difference in order to expedite prompt revival and thus minimize any potential business exposure or other impact on the small-entity entrepreneur clients, who were at that time coping with an unfortunate combination of circumstances including ongoing critical initial business negotiations regarding the invention and a debilitating illness that forced the inventor/partner to retire from full time work and relocate to Europe.

Agent took immediate and full responsibility to revive this application ASAP at no cost to applicants; there was no negative impact from delay, thanks to agent choosing the fastest (and most costly) petition route.

This application has now matured to patent 6,639,496, issued 10/28/2003.

REMARKS

The foregoing items account for all 18 applications and 11 patents listed by the Petitions Attorney and in view of subject petition, petitioner finds nothing in these 29 items that could be considered inconsistent with the information provided in the original petition filed 04/09/04.

The few incidents of error or omission that have occurred are deeply regretted by the agent; these were, amongst a large number of ongoing error-free activities, rare anomalies that, when discovered, were remedied as promptly as possible by the agent, in accordance with his code of ethics both as a registered professional engineer and as a U.S. patent agent, at substantial penalty to himself in money and time, at no cost and fortuitously no negative impact to the clients involved, with whom the agent has subsequently continued to enjoy a mutually satisfactory and beneficial business relationship.

Petitioner believes that taken as a whole, the 04/09/2004 petition along with the present request for reconsideration, show clearly that as a sole proprietor engineer and U.S. patent agent he is a reasonable and responsible person who regards and treats patent matters with the care and diligence they deserve, as his most important business, and that, like the USPTO, he has evolved a system designed to prevent errors and strives to utilize the system as diligently as possible and to continuously improve, refine and upgrade the system and his own activities toward the goal of "zero defects" error avoidance.

Reconsideration and grant of the petition is respectfully and earnestly requested.

by



J. E. McTaggart

Agent for the applicant

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**ELECTION REGARDING PATENT MAINTENANCE FEES**

**Agent Docket No. 1313**

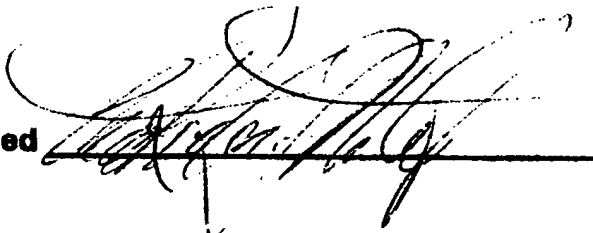
**In re : U.S. patent #6,050,625 Issued 04/18/00  
for TABLE TENNIS BALL RETRIEVING AND DISPENSING SYSTEM  
by Inventor Charles Richard Nisbet  
address: 21279 Entrada Rd., Topanga, CA 90290  
status: MF1 due 10/18/03**

**I am the owner of the above identified U.S. patent; my election regarding the administration of maintenance fees in subject patent is indicated by marking one of the following two boxes;**

☐ **\* I hereby elect to have patent agent J.E. McTaggart, PTO reg. no. 29,754, to attend to payment of the maintenance fees. My address for agent correspondence is as shown above, or as follows:**

☒ **I hereby elect as owner to directly handle the maintenance fees in this patent, and request the agent to change the PTO address of record for maintenance fees to that shown above, or as follows:**

**Signed**



**Date** 10-25-01

**NOTE Please make your election, sign and return this form in the accompanying self-addressed envelope.**

☐ **\* One-time \$100.00 Agent fee enclosed.**

**pgw**